

within its borders. However, the statute contained a specific condition that "the State retains concurrent jurisdiction with the United States over the place, so that the courts, magistrates, and officers of that State may take such cognizance, execute such process, and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given." In sustaining this condition in the statute, the Attorney General of the United States observed that the statute "recognizes a ceded Federal jurisdiction, co-extensive with the demand of the Constitution of the United States, whatever that may be. It reserves for the State only such authority as may not be incompatible with the constitutional completeness of the authority ceded to the United States * * * . But all such rights would remain to the State by operation of law, even if not expressly reserved. For, on the general principle of constructive relation between the United States and each of the States, the former cannot take from a State anything more than is 'within the contemplation' of the Constitution of the United States, however broad and indefinite may be the terms of grant by a particular State."⁷

12. How States grant jurisdiction to United States.—As pointed out above, the Federal Government, without regard to the laws of a State, can exercise over lands of the United States situated within the State whatever jurisdiction may be essential to accomplish its constitutional uses of such land, but it cannot exercise any additional or extra jurisdiction without the consent of the State. This extra jurisdiction must be granted by the legislature of the State.⁸ It is granted by two distinct statutory methods discussed in the next chapter. Such grants usually contain reservations of specific powers in the States or conditions limiting the manner in which the ceded jurisdiction may be exercised by the United States. The legal effect of such grants and of the conditions and reservations which they contain will be considered in succeeding chapters.

CHAPTER III

HOW THE STATES MAY RELINQUISH JURISDICTION TO THE UNITED STATES

13. Two methods by which State may relinquish jurisdiction to United States.—In the chapter next preceding it was pointed out that a State may relinquish jurisdiction to the Federal Government by either one of two methods. Both require action by the legislature of the State. The first of these methods is by con-

⁷ 7 Atty. Gen. 628, 631.

⁸ See 12 Atty. Gen. 428, holding that a constitutional convention of a State is not "the legislature of a state" in the sense of the Constitution and statutes of the United States, and that consent given by such convention is not a valid consent to purchase.